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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
 NIDERA, INC., :
 :
 : 2:09 Civ. 3574 (VM)
 Plaintiff, :
 :
 - against - :
 :
 : **ORDER**
 :
 GEDIMEX S.A., :
 :
 Defendant. :
 -----X

VICTOR MARRERO, United States District Judge.

By Order dated April 13, 2009, the Court granted the application of plaintiff Nidera, Inc. authorizing a Writ Marine Attachment and Garnishment (the "Order") to be served against property of the defendant in an amount of \$113,017.11. A Supplemental Order dated April 13, 2009 provided that in the event plaintiff restrained assets so as to fully secure its claim herein, this action shall be dismissed without prejudice. By the Order dated April 29, 2009 the Court directed garnishee HSBC (USA) N.A. to turn over the sum of \$113,017.11 to plaintiff's counsel for deposit into the Registry of the Court of this District. On June 3, 2009 the Court's Cashier's Office received a wire transfer deposit of \$152,302.11 in respect of this action. Plaintiff thus appears fully secured as to its claim herein. Accordingly, it is hereby

ORDERED that the Clerk of Court is directed to dismiss the complaint in this action without prejudice in accordance with the

Supplemental Order dated April 13, 2009 herein.

SO ORDERED.

Dated: New York, New York
30 June 2009



VICTOR MARRERO
U.S.D.J.